BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.20712 of 2021
and
W.M.P.(MD)Nos.17320 & 17322 of 2021

M.Appadurai ...Petitioner

/Vs./

1.The District Revenue Officer,
Office of the District Revenue Officer,
Trichy.

2.The Tahsildar,
Office of the Tahsildar,
Thuraiyur, Trichy District.

3.D.Sivakumar

4.D.Mohanraj

5.D.Rajamaniammal . ...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining the impugned order of the 1st respondent in Na.Ka.No.A6/25097/2021 dated 09.10.2021 and quash the same and consequently restore the name of the petitioner in S.No.312/8C of Singalanthapuram Village of Thuraiyur Taluk, Trichy District.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.A.K.Manikkam (R1 & R2)
Special Government Pleader
Mr.M.Aarumugam (R3)

ORDER

This writ petition has been filed challenging the impugned proceedings of the first respondent in Na.Ka.No.A6/25097/2021 dated 09.10.2021 and for a consequential direction to restore the name of the petitioner in S.No.312/8C at Singalanthapuram Village of Thuraiyur Taluk, Trichy District.

2. Heard Mr.S.Ramsundarvijayraj, learned counsel for the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader for the respondents 1 and 2 and Mr.M.Aarumugam, learned counsel for the third respondent.

3. The case of the petitioner is that the mother of the petitioner had purchased through a registered sale deed dated 31.08.1977 registered as Document No.1595/1977 an extent of 2 ½ cents in S.No.312/8. Pursuant to the same, patta was also issued in her favour in Patta No.832 for the subdivided portion in S.No.312/8C. The mother of the petitioner had also constructed a house in the property. During the year 2015, a settlement deed was executed in favour of the petitioner for S.No.312/8C including the house property. The private respondents had attempted to disturb the peaceful possession and enjoyment of the property and hence, the petitioner had also filed a suit in OS No.195 of 2021 before the District Munsif Court, Thuraiyur, seeking for the relief of permanent injunction and the said suit is pending.

4. The grievance of the petitioner is that the first respondent, through the impugned proceedings dated 09.10.2021 directed alteration to be made in the revenue records and thereby, the settled possession of the petitioner was unsettled and the possession and enjoyment of nearly 1600 sq.ft., was reduced to 900 sq.ft. Aggrieved by the same, the present writ petition has been filed before this Court.

5. The present writ petition confines itself to S.No.312/8C and therefore, it is not necessary for this Court to deal with the other survey numbers in 312/8A and 312/8B. The property in S.No.312/8 originally measured an extent of 79 cents. Out of this property, the mother of the petitioner became the owner of the property by virtue of a registered sale deed dated 31.08.1977. On going through this document, it is seen that the mother of the petitioner had purchased 2 ½ cents. The further subdivided portions namely viz., 312/8A and 312/8B were also sold and ultimately, the total extent that was dealt with in all these three documents measured an extent of 81 cents against the original extent of 71 cents. The patta was also issued in favour of the respective owners.

6. During UDR, instead of mentioning the extent of 312/8C as 0.01.0 ares, it was wrongly mentioned as 0.01.50 ares. Similar mistakes also took place with respect to S.Nos.312/8A and 812/8B. As a result, a patta was granted and the revenue records showed as if the entire property, measures total extent of 0.32.14 ares instead of 0.32.00 ares. This was sought to be corrected by the first respondent through the impugned proceedings.

7. The first respondent, after going through all the title documents and taking into account the extent that was actually conveyed in favour of the respective owners, came to a conclusion that insofar as S.No.312/8C is concerned, the total extent is only 0.01.0 ares, which works out to 2 ½ cents. This change was directed to be effected in the revenue records.

8. In the considered view of this Court, the order passed by the first respondent does not suffer from any error of law apparent on the face of the record. The order is perfectly in line with the title document of the petitioner and the extent that was purchased by the mother of the petitioner is now reflected in the revenue records by virtue of the order of the first respondent. There is no ground to substitute the view of this Court for the reasonings that have been assigned by the first respondent. This Court does not find any ground to interfere with the order passed by the first respondent.

9. In the result, this writ petition is dismissed. Insofar as the pending suit is concerned, it is left open to the private parties to agitate their grievances before the Court and the same will be considered by the concerned Court on its own merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

18.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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TO:-

1.The District Revenue Officer,
Office of the District Revenue Officer,
Trichy.

2.The Tahsildar,
Office of the Tahsildar,
Thuraiyur, Trichy District.

Order made in
W.P.(MD)No.20712 of 2021

Dated:
18.10.2023